

Attorney's Docket No.: 12361-014002

REMARKS

Applicant gratefully acknowledges the Examiner's allowance of majority of the pending claims of the present reissue application. In addition, the Examiner's accommodation for a telephonic discussion on the Office Action with Applicant's agent Bing Ai on December 10, 2002 is greatly appreciated.

The specification has been amended to correct a typographical error in Equation (5) in Column 7. No new matter is added.

Claims 33, 49-55, 58, 61-63, 66, 75, and 79 stand rejected under 35 USC 112, first paragraph, as containing new matter by reciting a PM fiber. This contention, however, is respectfully traversed. The original specification discloses the PM fiber as one of a variety of birefringent materials for fabricating the optical delay lines. See, for example, the last entry in TABLE I in Column 9. Hence, this rejection under 35 USC 112, first paragraph should be withdrawn and Claims 33, 49-55, 58, 61-63, 66, 75, and 79 are patentable.

Claim 46 stands rejected under 35 USC 112, second paragraph as being indefinite. Applicant respectfully submits that the language of Claim 46 is distinctive to particularly claim the invention by stating that "at least a portion of successive

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ladder units are spaced from one another by different distances." This language reflects the teachings of the original specification, such as the descriptions in Column 10, lines 26-35 and Column 5, line 56 to Column 6, line 10. It is respectfully requested that the rejection be withdrawn.

Claim 47 has been amended to change its dependency from the base Claim 45 to the base Claim 46 where the term of "a portion" is first recited. Hence, the rejection under 35 USC 112, second paragraph has been overcome by this amendment.

Claims 58, 66, 75, and 79 have been amended according to the Examiner's suggestion made in the Office Action. Therefore, the corresponding rejections under 35 USC 112, second paragraph have been overcome.

The rejections based on new matter under 345 USC 251 have also been overcome by the above amendment.

In summary, each rejection has been addressed and resolved by this response. Thus, there is no outstanding issue remaining in the present reissue application. Accordingly, all pending claims, Claims 31-80, are in full condition for allowance and an official notice to that effect is respectfully solicited.

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Respectfully submitted,


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